

## MINUTES

### NATURAL RESOURCES COMMISSION

January 8-9, 2004

Lansing Center  
333 E. Michigan  
Lansing  
-and-  
Stevens T. Mason Building  
530 W. Allegan  
Lansing

#### PRESENT FOR THE COMMISSION

Mary Brown  
Keith Charters, Chairman  
Bob Garner  
Jerry Hall  
John Madigan  
Bill Parfet  
Frank Wheatlake

#### PRESENT FOR STAFF

K. L. Cool, Director  
Peter Manning, Legal Counsel  
George Burgoyne, Resource Management Deputy  
Jim Ekdahl, Upper Peninsula Field Deputy  
Kelli Sobel, Administrative Services Deputy  
Department Staff

#### COMMITTEE OF THE WHOLE

**Chairman Charters** called the Committee of the Whole meeting of the Natural Resources Commission (NRC) to order at 3:05 p.m. on Thursday, January 8, 2004. The Committee of the Whole is a working session of the NRC.

#### NEW COMMISSIONER APPOINTMENTS

**Susan Corbin, Director of Appointments, Governor Granholm's Office**, was pleased to welcome two new individuals as appointments to the Natural Resources Commission. Ms. Mary Brown from Kalamazoo, and Mr. Gerald Hall from Gaines, were appointed to replace Commissioners James Campbell and Paul Eisele. **Ms. Corbin** introduced **Mr. Erik Wilford, a staff member in the Appointments Office**, and thanked him for his work in these appointments.

**Commissioner Hall** thanked Commissioners and staff for making him feel welcome as a Commissioner. **Commissioner Brown** reiterated Mr. Hall's sentiments.

#### LAKE ST. CLAIR-DETROIT RIVER BOUNDARY DESIGNATION – FO-242.04

**Todd Grischke, Fisheries Division**, reported that an Emergency Order of the Director, FO-242.04, Lake St. Clair-Detroit River Boundary, would be signed by Director Cool on Friday, January 9, 2004. This order states that, "for a period of five years for the purposes of establishing

statewide coolwater sport fishing regulations upon the waters of Lake St. Clair and the Detroit River, the boundary line between Lake St. Clair and the Detroit River shall be a line extending due south of the Windmill Point Light, Wayne County." This will be effective through March 31, 2009. **Mr. Grischke** explained that this boundary designation is needed because currently there is no boundary designation. He said that no opposition has been received on this Order.

#### **OIL AND GAS LEASE AUCTION – DECEMBER 2, 2003**

**Lynne Boyd, Forest, Mineral and Fire Management Division**, reviewed the results of the Oil and Gas Lease Auction held by the DNR on December 2, 2003. **Frank Mortl, Michigan Oil and Gas Association**, commended the DNR on the outcome of the December 2, 2003 sale, but stated he would still like to see a minimum bid of \$2 per acre.

#### **TWENTY-ONE DIRECT METALLIC MINERAL LEASES IN MENOMINEE COUNTY**

**Ms. Boyd** stated that this item was slated on the agenda for Director's Action and requested that this decision be delayed for one month to address two additional issues:

1) It was requested that a public meeting be held in Menominee County on this issue. Ms. Boyd said that a meeting was held in Menominee County in June 2003 by the DNR and Department of Environmental Quality, as a joint meeting. At this meeting, the Departments attempted to clear up issues;

2) It was requested that the decision be delayed for one month to address the Attorney General's decision relative to marketable title. Ms. Boyd stated that the State was exempt from this decision and, therefore, will not affect minerals ownership by the State.

**Jim Ekdahl, UP Field Deputy**, noted that a recent anti-mining effort in the state of Wisconsin, near Menominee County, has been influential in shaping public opinion about mining issues in Menominee County. In particular, the public has concerns about potential mining activity impacts on the Shakey Lakes area, which has unique natural features. Discussion ensued.

A letter was distributed from **Rob Anderson, Legislative Counsel, Michigan Farm Bureau**, requesting that action on these proposed leases be delayed until the Attorney General issues an opinion on whether changes made under Public Act 154 of 1997 affect these new leases.

#### **ACTING LAW DIVISION CHIEF**

**Curt Bacon, Acting Law Enforcement Division Chief**, introduced himself to the new Commissioners. **Director Cool** stated that Captain Bacon has done an excellent job as acting chief and thanked him for his service. He said that Captain Bacon maintained morale and a progressive administrative approach in Law Enforcement during a difficult time for the Division. **Director Cool** announced that **Captain Alan Marble** will take over as Acting Division Chief effective January 18. **Chairman Charters** thanked Captain Bacon for his service on behalf of the NRC.

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The Committee of the Whole meeting adjourned at 4:00 p.m.

**Commissioner Parfet** left the meeting.

## REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION

**Chairman Charters** called the regular meeting of the Natural Resources Commission (NRC) to order at 4:30 p.m.

### PUBLIC APPEARANCES

Wayne Ackerson, Brighton Township  
Elena Anton, Brighton Township Resident  
Michael Boerne  
Marilyn and Doug Carr, Brighton Township residents  
Tim DeWald, AuGres  
Guy Dobies  
Janice Dobies, Brighton Township resident  
Jim Fackert, Brighton  
Lindsey Higginbottom  
Glenn Hill, AuGres  
Lillian Hopkins, Brighton  
Don Hughes, Island Lake Shooting Range  
Ellen Nitz, Brighton Township  
Walt Nitz, Brighton area resident  
Tim Rice, Brighton Township  
Al Sits, Brighton Township  
Donna Stine, MUCC  
Jenness Wiegand, Brighton Township  
Rick Wiegand, Brighton Township  
Ann Woiwode, Sierra Club

**Glenn Hill, AuGres**, commented on Land Transaction Case #20030008, Arenac County. This is an 80 acre parcel that the DNR has deemed excess. **Mr. Hill** owns property adjacent to the State land and has experienced usage of the property for hunting, horseback riding, and forestry projects. He requested that the DNR not take action on this property until a court hearing, scheduled for April 15, is heard to determine the status of the easement along the northerly 33 feet of the Dewald's parcel. Discussion ensued.

**Tim DeWald, AuGres**, discussed the Arenac County, AuGres Township property issues of 80 acres surrounded by private ownership. He commented that there not only is an issue of easy accessibility to State land but also the rights of the individual landowners to be free of trespassing. He requested that the DNR sell this property. He recommended that the property be donated to a land trust to ensure it remains in a natural state. **Connie DeWald, AuGres**, supports the sale of this property.

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### SHIKAR-SAFARI CLUB INTERNATIONAL WILDLIFE OFFICER OF THE YEAR AWARD PRESENTATION

**Chairman Charters** stated that the Shikar-Safari International Wildlife Officer of the Year Award is the major award in Law Enforcement Division for recognizing outstanding performance. This honor also carries the distinction of being Michigan's Conservation Officer of the Year. The nominations are submitted by conservation officers, based on established criteria related to officer duties and personal attributes. **Mr. Gunnar Klarr**, representing Shikar-Safari Club International, presented the selection for 2003.

**Mr. Klarr** stated that this award is given in all 50 States and the provinces of Canada, to encourage wildlife conservation by encouraging enforcement of the resources.

**Bruce Borkovich**, a 13 year veteran of Isabella County, was this year's selection. **Director Cool and the NRC** congratulated Borkovich on his award.

**PUBLIC COMMENT (continued)**

**Donna Stine, MUCC**, stated support for consolidation of State lands and supports the sale of the 80 acre parcel in Arenac County, AuGres Township.

**Ms. Stine** said that the MUCC is concerned about mining in areas where state regulatory control is lacking. The MUCC is working with the Department of Environmental Quality and the Governor's Office expressing its concerns about the lack of regulatory authority.

**Jenness Wiegand, Brighton Township**, stated that shooting ranges make noise and that the noise from the Island Lake Shooting Range is annoying to those who live in the area. She does not believe shooting ranges belong in recreation areas unless noise levels from these ranges can be minimized. She asked that the shooting range contract not be renewed.

**Ellen Nitz, Brighton Township**, read a letter from **Ann Zinn** who served on the Island Lake Shooting Range Planning Committee in the late 1980s. Her letter states that the original plan cited the location of the shooting range in a different area than it is located. The original plan located the range in the middle of the quietest part of the Island Lake Recreation Area where the Huron River runs. As a result, the Committee searched and found another possible site within the park, where the most intense park uses and the ambient noise level from I-96 traffic would be more appropriate for such a facility. The location was thus moved. There were no complaints of the sound, she said, until the expansion of trap and sporting clays on top of the berm, above the original facility and beyond the effectiveness of the acoustical controls. She asks that the range be restored to its original plan and remove the trap and sporting clays activities.

**Ms. Nitz** believes there is false information being given to the public by range employees.

**Walt Nitz, Brighton area resident**, does not believe efforts to reduce the noise from the shooting range have made any difference. He believes that no serious efforts have been taken to reduce the noise levels.

**Rick Wiegand, Brighton Township**, believes that the petition being circulated by concessionaire employees at the shooting range is inaccurate and asked that the NRC not consider the petition as credible. He asked that the DNR hold to a commitment made by former Parks and Recreation Division Chief Rodney Stokes that states that the DNR will "limit and mitigate noise levels to comply with the maximum sixty-five (65) decibels as appears in Section 9.7 of the Green Oak Township Zoning Ordinance dated May 1996."

**Mr. Wiegand** requested the following: notify the range concessionaire regarding noise reduction requirements; and to close the range to only test firing until noise levels can be contained within the agreed-to limits.

**Jim Fackert, Brighton**, is a naturalist who worked with Ann Zinn as a citizen-at-large on the Shooting Range Planning Committee. He believes that the commitment was made by the DNR that noise abatement features would be built into the range and that there have not been noise complaints until the sporting clays were allowed. He does not believe that the noise abatements have been accomplished.

**Lillian Hopkins, Brighton,** read a letter from **John Rogers** which states that there have been no results from the meetings held regarding noise issues from the range. The letter said that the serenity of the Island Lake Recreation Area has been destroyed, and the residents in the area woke New Year's Day to the loudest sounds ever.

**Guy Dobies** read letter from **Mark St. Charles, Green Oak Township Supervisor,** which said that discussion on the Island Lake Shooting Range noise issue has occupied a great deal of time at the Township meetings. The problem began when the range began allowing sporting clays, and the sound levels exceeded 65 decibels. He does not believe the Range operator has acted in good faith to resolve issues and reduce noise to the "agreed to" levels. He does not support closing the range, but suggested that weekend hours be reduced and that the noise levels be reduced to the "agreed to" levels. He said that the residents want a plan to eliminate noise levels.

**Marilyn and Doug Carr, Brighton Township residents,** had recorded noise levels from outside their bedroom window on New Year's Day, 2004. His decibel meter recorded peaks exceeding 65 decibels while the sport clay activities were occurring at the Range. They said that they want to work with the DNR on this issue, but they do not believe the DNR has cooperated with the locals on resolving the noise issue.

**Tim Rice, Brighton Township,** said he is not opposed to normal gun shot noise, but is opposed to the noise level he hears from his home from the shooting range. He also expressed concern with the possibility of lead contamination from the range. He believes that the DNR is losing recreational revenue from the noise in the Island Lake Recreation Area. He recommended that the sporting clays be disallowed at the shooting range.

**Commissioner Brown** asked if the sporting clays were included in the original plan for the shooting range. **Director Cool** responded that he believed they were.

**Al Sits, Brighton Township,** resides 1.46 miles from the range. He is an active firearm collector and shooter, is a member of the National Rifle Association and is a member of a local shooting club. He believes shooting sports are a legitimate sport. However, he stated that noise is not a welcome guest in his home. He does not believe the DNR has handled the noise issue from the Island Lake Shooting Range appropriately.

**Commissioner Madigan** questioned where the DNR was on the noise issue. **Director Cool** stated that a scientific noise evaluation would be conducted within the next month. It was difficult to obtain a credible evaluator, but the DNR believes it has done so.

**Commissioner Brown** asked Director Cool if he agreed with the comments made on this issue. **Director Cool** doesn't necessarily believe in the interpretation of what was agreed to relative to the operation of the range.

**Michael Boerne,** resident approximately 80 acres from exploration in Stephenson, stated that the information released on the activities is not plentiful. He believes the DNR should retain the mineral rights in Menominee County rather than leasing the property. He said that the map provided does not indicate how many residences are in the area.

**Ann Woiwode, Sierra Club,** commended the DNR for moving forward with the forestry certification process but expressed concern with the DNR pursuing the Sustainable Forestry Initiative (SFI) rather than the Forestry Stewardship Council (FSC). Discussion ensued on the difference between the two. She urged the DNR not to set a course in the process that would become problematic.

**Janice Dobies, Brighton Township resident,** read a letter from **Jan M. Pals, former Supervisor of Green Oak Township.** Ms. Pals was involved in the planning process for the Island Lake Shooting Range. Her letter states that the existing shooting range is set up very different from the original plan. She had participated in noise level testing and utilizes the range. She does not believe the tests properly represented the actual shooting and noise conditions at the range, and asked that the DNR do everything possible to keep the noise levels at an acceptable level.

**Don Hughes, Island Lake Shooting Range,** stated that the trap and skeet shooting is done below elevation levels and that the nearby residents rejected hay bales as a resolution. He believes that all activities at the shooting range are legal.

**Elena Anton, Brighton Township Resident,** said that the noise levels coming from the Island Lake Shooting Range are unbearable. She referenced the sound level ordinance in the Township.

**Wayne Ackerson, Brighton Township,** is a shooter at the Island Lake Shooting Range. He said that the Range is a friendly place to shoot. **Commissioner Madigan** asked if any of the shooting devices used at the Range were different from other ranges. **Mr. Ackerson** responded no.

**Lindsey Higginbottom,** lives in the area near the Island Lake Shooting Range and does not have a problem with the noise levels coming from the Range. He is a hunter safety instructor and teaches in Howell. He supports having a place to go and safely practice shooting.

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The Natural Resources Commission meeting adjourned at 6:50 p.m. on Thursday, January 8, 2004 and reconvened at 8:30 a.m. on Friday, January 9, 2004. **Commissioner Parfet** returned for this portion of the meeting.

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## **DIRECTOR'S REPORT**

### **Island Lake Shooting Range Update**

**Director Cool** presented an update on the Island Lake Shooting Range. The original shooting range plans were developed for a location that was eventually not selected; however, the plans for the original range and for the current range were similar except the current plan included an additional \$250,000 for sound abatement. To address the noise complaints from the residents near the shooting range, the DNR is bringing in a noise expert who will evaluate the noise levels and make recommendations on addressing any issues that arise. This individual will test the shooting range prior to the February 2004 NRC meeting. Lead testing from the site has been done and the DNR is awaiting results from those tests.

**Director Cool** said that **Scott Hansen, Textron Systems,** will likely be selected to conduct noise testing. He will utilize the best scientific expertise to evaluate the issue and provide recommendations for solutions. **Director Cool** stated that the DNR wants to be good neighbors. Mr. Hansen is deemed one of the best sound engineers in the nation.

**Commissioner Parfet** recognizes the need for safe ranges but said there will be noise from ranges. He said there are four options for solutions: 1) Close the range; 2) Pay the impacted parties; 3) Try again to influence their opinion on the range; 4) Remediate the problem. However,

the DNR cannot close the facility, and cannot totally remediate concerns. So, the DNR will either have to pay the parties, or get involved in a solution.

**Commissioner Garner** noted that the testimony received regarding the Island Lake Shooting Range on Thursday was much more constructive. **Commissioner Madigan** agreed and said that resolution to the concerns needs to occur soon. **Commissioner Wheatlake** believes there is a constructive means to resolve the issue. Discussion ensued.

**Director Cool** discussed the letter written by then Parks and Recreation Division Chief, Rodney Stokes. The letter stated that the DNR would meet ordinances in relation to Interstate ambient noise levels. The new sound testing will be done at various points. He believes that reasonable options can be developed followed by a request for funding to make those resolutions a reality. He stated that, when this range was built, it was done with the thought that it would be state-of-the-art and assist in a public acceptance level which would support building other ranges.

#### **DIRECTOR'S ACTION ITEMS.**

- **WITHDRAWN:** Item IV.3.e., Municipal Conveyance of Undedicated State-owned Land, Sheridan Township – Calhoun County, Land Transaction Case #20039009
- **HELD OVER:** Twenty-one Direct Metallic Mineral Leases in Menominee County
- **NOT APPROVED PENDING FURTHER DISCUSSION WITH STAFF:**
  - Sale of Easements Across Dedicated State-owned Land: Gaylord Forest Management Unit – Cheboygan County, Land Transaction Case #20010228 **(signed 1/22/04)**
  - Sale of Easements Across Dedicated State Owned Land: Gaylord Forest Management Unit – Cheboygan County, Land Transaction Case #20020174 **(Signed 1/22/04)**
  - Sale of Dedicated State-owned Land: Gladwin Forest Management Unit – Arenac County, Land Transaction Case #20030008.

**Commissioner Parfet** questioned if the DNR starts granting easements on the Gaylord to Cheboygan Trail, it would lessen the value of the trail. **Director Cool** said that sale of the trails segments were never considered. **Mindy Koch, Chief, Forest, Mineral and Fire Management Division**, said the trail properties were a major asset that cannot be replaced. She said that the Trail Committee has been meeting and is in the process of developing a recommendations report. The intent is not to leave the Cheboygan County segment as is. **Commissioner Parfet** said he would agree with recommendations if the findings provide adequate return on the investment. Discussion ensued on the process for developing recommendations. **Commissioner Wheatlake** supports the process.

**David Freed, Chief, Office of Land and Facilities**, reviewed the progress on purchasing property in the Upper Peninsula (UP) for wildlife habitat. Purchases have been made and more are in progress. **Commissioner Madigan** thanked Mr. Freed for his efforts on this issue.

#### **BUDGET UPDATE**

**Kelli Sobel, Administrative Services Deputy**, reported that the DNR has made attempts to provide appropriation authority to continue with acquiring deer yards and other areas. The preliminary decision from the Legislature is that the DNR was denied these appropriations as well as denied funds for additional wildlife equipment needs. She continued to discuss the status of other budget issues and said that Payment-in-Lieu-of-Taxes is also a problem.

**Ms. Sobel** said that an Attorney General decision was rendered that says if monies are not appropriated to pay taxes, the DNR cannot pay them. **Commissioner Garner** said that this is a

Legislative issue, and it needs to be resolved in the Legislature. **Commissioner Brown** asked if the Legislators in the districts where taxes are due have been individually notified. They have not.

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Resource Management Deputy George Burgoyne assumed the Director's chair at this time.

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### **NRC COMMITTEE APPOINTMENTS**

**NRC Policy Committee on Finance and Administration:** Commissioner Parfet (Chair), Commissioner Wheatlake. Commissioner Hall (alternate)

**Upper Peninsula Habitat Work Group:** Commissioner Madigan (Chair), Commissioner Wheatlake. Commissioner Garner (alternate)

**NRC Policy Committee on Wildlife Issues:** Commissioner Garner (Chair), Commissioner Hall. Commissioner Parfet (alternate)

**NRC Policy Committee on Land Management:** Commissioner Charters (Chair), Commissioner Brown. Commissioner Madigan (alternate)

**NRC Policy Committee on Technology, Information, Marketing and Education:** Commissioner Brown (Chair), Commissioner Garner. Commissioner Charters (alternate)

**Director's Search Committee:** Commissioners Charters, Garner and Wheatlake

**Ex officio Committee on Legislative Liaison:** Commissioners Brown, Hall and Wheatlake

### **NATURAL RESOURCES COMMISSION GOALS**

Discussion was held on the 2003 NRC Goals and the development of Goals for 2004.

- #1. Develop a Comprehensive Land Use Strategy for all DNR Land Holdings: This will be kept as a 2004 goal but with the addition that the plan be implemented in 2004.
- #2. Develop Plans to Minimize the Impacts of Budget Constraints on Existing DNR Programs

**Investments, Self-Sufficiency, Budget and Fee Setting Authority** are all ongoing issues that have and will be addressed.

**Payments-In-Lieu-Of-Taxes (PILT):** Should be addressed as a single objective/goal.

- #3. Formulate a Strategic Plan to Better Communicate and Interact with the Governor's Office, Legislature and Constituents

Move this to the NRC Policy Committee on Technology, Information, Marketing and Education to develop this goal. Commissioner Wheatlake emphasized the need to communicate and tout DNR programs and embellish past programs. There is a need to achieve growth and develop a good feeling about how the DNR is run and assure that achievements are broadly known in order to build trust.



#4. Develop a Public Relations Plan to Enhance the DNR Image and Better Educate the Public and Constituents of DNR Programs and Assets

Keep as a goal.

#5. Assist Other Stakeholders in Developing a Plan to Prevent the Occurrence of Chronic Wasting Disease (CWD) in Michigan

Remove this goal as the authority lies with the Michigan Department of Agriculture.

**2004 GOALS DISCUSSION**

The NRC discussed goal-setting for 2004. The following will be considered when the process is discussed further:

- Select a new DNR Director
- Restricted funds – This goal will be discussed and developed at the February 23 meeting of the NRC Policy Committee on Finance and Administration

**Commissioner Madigan** discussed the need to continue to focus on wildlife habitat issues throughout the state. It was determined that this should be a goal of the NRC Habitat Workgroup chaired by **Commissioner Madigan**.

**DIRECTOR'S SEARCH COMMITTEE REPORT**

**Jerry Harris, Human Resources Division Chief**, reported that the goal of the Director's Search Committee is to have a new Director on staff by June 1 or before. The position will be posted by the end of January, with the response deadline of March 1, 2004. The applicants will be screened, and it is expected that three-to-five finalists will be chosen from the applicants. Interviews will be conducted on April 19, 2004.

**Commissioner Wheatlake** complimented Mr. Harris for his professionalism and knowledge throughout this process.

**APPROVAL OF MINUTES – DECEMBER 4-5, 2003 NATURAL RESOURCES COMMISSION MEETING**

**Commissioner Garner** made a motion, supported by **Commissioner Madigan**, for approval. Motion unanimously carried.

**NRC POLICY COMMITTEE REPORTS**

**NRC Policy Committee On Wildlife Issues Report**

**Commissioner Garner, Committee Chair**, reported that a meeting of the NRC Policy Committee on Wildlife Issues was held on January 8, 2004 in Lansing. Items of discussion included:

- revised falconry regulations and the proposed changes to the mute swan regulations to be consistent with federal laws;
- bovine tuberculosis (TB) surveillance has been conducted and no incidents of chronic wasting disease have been detected in Michigan; deer testing methods;
- the elk drawing process: at this point the DNR cannot afford to continue the drawing process and are working with EDS to reduce the cost and implement the program. A

draft Wildlife Conservation Order was reviewed to postpone the system until the DNR can afford to proceed.

**Commissioner Parfet** questioned if Michigan can "claim victory" in the fight against bovine TB. **Becky Humphries, Wildlife Division Chief**, believes the state is a long way from claiming victory because if you do, it will come back. Discussion ensued on baiting and feeding noncompliance.

#### **COMMISSIONERS' REPORTS**

**Commissioner Garner** received several calls and letters relative to DNR issues, and recommended that former Commissioners Campbell and Eisele be recognized by the NRC and the DNR for their time in service.

**Commissioner Madigan** met with the UP wildlife groups. One issue he had committed to bring before the NRC was if there was a mechanism to address special unique circumstances other than feeding that causes deer to be in a situation. There is no opportunity for that consideration at this time. Discussion ensued. **Commissioner Garner** said that the UP hunters need to realize that, if there are surplus deer, deer are going to die.

**Commissioner Madigan, Upper Peninsula Habitat Workgroup Chair**, will hold a meeting of the Upper Peninsula Habitat Workgroup on January 26, 2004 in Escanaba.

**Commissioner Madigan** expressed appreciation for the Michigan Natural Resources Trust Fund involvement in the habitat purchases in the UP.

**Commissioner Wheatlake** commented that, regarding the DNR's finance system, everything possible needs to be done to market the DNR and work with the Legislature to address important issues.

**Commissioner Parfet** commented that the DNR's timing on investing in equities was beneficial.

**Chairman Charters** was involved in a great deal of muzzleloading hunting over the past month.

**Commissioner Hall** said that, in addition to enjoying his grandchildren and family, he looks forward to his role as a Commissioner. He fully supports continued communications relative to the PILT issue.

**Commissioner Brown** thanked the other Commissioners for welcoming her as a Commissioner.

**Chairman Charters** again welcomed Commissioners Hall and Brown and said they will be an asset to the Commission.

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The meeting adjourned at 11:20 a.m.

Approval Date: \_\_\_\_\_

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Keith J. Charters, Chair

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K. L. Cool, Director